

## Animal Protection



**West Linn Municipal Code 5.260 (8) It shall be a violation for a keeper of any dog to physically mistreat any dog, either by deliberate abuse or neglect to furnish adequate care, including medical attention.,**

**What it means:** Dog owners are required to provide care that meets with the minimum care standard set down by the Oregon Revised Statutes. Any violation of this code will most likely result in prosecution for neglect or abuse under the Oregon Revised Statutes.

### **Minimum Standard of Care:**

The following are minimum care standards required of ALL pet owners. When you assume “ownership” of another living being, you have total control over its life. With ownership comes the responsibility and duty to keep it healthy, safe, warm, and secure.

Every animal requires a different type of care. What would pass for a minimum standard of care for a dog is not going to pass for an alligator or iguana. A goat is not going to have the same requirements as a horse, and a duck isn't going to have the same requirements as a parrot.

### **Message from the Animal Control Officer:**

**Animal neglect** is taken very seriously in the City of West Linn. We make every effort to educate pet owners on proper methods and the necessary care required to keep their pets healthy, happy and safe. If education does not work, or only results in a temporary fix, we will pursue legal action against any and all pet owners who do not maintain an appropriate level of care for their animals.

**Minimum Care [ORS 167.310(5)]** means care sufficient to preserve the health and well-being of an animal and, except for emergencies or circumstances beyond the reasonable control of the owner, includes, but is not limited to, to following requirements:

(5a) Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight.

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**What it means:** It is not enough to have food available. If your dog has a medical problem, be it thyroid or food allergies, you must provide food that will allow it to keep normal weight. This could mean prescription food, cooked food (homemade rice, etc.) or wet/canned food. If a dog is underweight, it is not a defense that it has a full bowl of dry dog food down all the time.

In other animals, you must feed food appropriate to the animal. If a skinny horse were standing in a field full of weeds, with a full bale of moldy hay on the ground, this would still be neglect, as moldy hay and weeds are not food of sufficient quality to allow for maintenance of body weight.

Food requirements also tend to change in the winter when animals use more calories to stay warm.

(5b) Open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. Access to snow or ice is not adequate access to potable water.

**What it means:** Water containers/sources must be free of algae and other contaminants. Water should be clean and a temperature acceptable to the animal. Water in metal water dishes, as well as dark heavy-plastic water dishes will become very hot if exposed to direct sunlight on a hot day. Even if the dish is full, if the animal won't/can't drink it you are not providing sufficient water. The animal must be able to access the water...if the bucket is too deep for the animal, if their chain is too short, or it is in some other inaccessible area it is not sufficient. If the animal chronically spills the container, leaving it without water for hours at a time, you are required to find a means of securing it or get a different type of container.

(5c) For a domestic animal other than a dog engaged in herding or protecting livestock, access to a barn, dog house or other enclosed structure sufficient to protect the animal from wind, rain, snow or sun and that has adequate bedding to protect against cold and dampness.

**What it means:** An enclosed structure means exactly that...a doghouse, a garage, a shed. What may work as shade in the summer (under a deck, under trees, an upside down boat) will not be suitable as protective shelter in the winter.

Getting the appropriate sized doghouse makes all the difference in the dog's ability to warm it with body heat.

Any dog, which is left outside for more than 15 minutes at a time, is required to be provided with a doghouse or shelter.

Adequate bedding may include straw, hay, wood chips, blankets or rugs. It must also be kept CLEAN! Which is why I strongly recommend straw for doghouses. It does not cling to fur as much as shavings and stays cleaner and warmer longer than blankets or rugs. Blankets and rugs quickly lose their ability to guard against cold and dampness when they become wet or muddy.

(5d) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.

**What it means:** Necessary veterinarian care includes everything from the routine vaccinations and flea/tick/heartworm control to treatment for injuries, illness, weight loss, obesity, hair loss, ear mites and disease control/treatment. Anything, which may impede your animal's ability to thrive and be healthy, must be seen and treated by a vet. If there is ever a question as to you providing appropriate veterinarian care, it is very helpful to have all of your pets' records available for consultation as well as the name and number of your vet.

Some pet owners "shop around" and take their pets to which ever vet is cheapest, most convenient or has an immediate appointment open. This can lead to problems in proving past vet care, or in helping your current vet get to the bottom of a health problem, because many owners who do this do not keep good records and may not be able to remember which vet clinic they went to for what. Many vets will purge inactive files if they have not seen your pet in many years. Pick a vet you trust and are comfortable with. Build a relationship with them. In the long run it will be better for the health care of your pet.

### Animal Abuse in the Second Degree (ORS 167.315):

(1) A person commits the crime of animal abuse in the second degree if, except as otherwise authorized by law, the

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person intentionally, knowingly or recklessly causes physical injury to an animal.

(2) Any practice of good animal husbandry is not a violation of this section.

(3) Animal abuse in the second degree is a Class B misdemeanor.

### **Animal Abuse in the First Degree (ORS 167.320):**

(1) A person commits the crime of animal abuse in the first degree if, except as otherwise authorized by law, the person intentionally, knowingly or recklessly:

- (a) Causes serious physical injury to an animal; or
- (b) Cruelly causes the death of an animal

(2) Any practice of good animal husbandry is not a violation of this section.

(3) Animal abuse in the first degree is a Class A misdemeanor.

(4) Notwithstanding subsection (3) of this section, animal abuse in the first degree is a Class C felony if:

(a) The person committing the animal abuse has previously been convicted of two or more of the following offenses:

(A) Any offense under ORS 163.160, 163.165, 163.175 or 163.185 or the equivalent laws of another jurisdiction, if the offense involved domestic violence as defined in ORS 135.230 or the offense was committed against a minor child; or

(B) Any offense under this section or ORS 167.322, or the equivalent laws of another jurisdiction; or

(b) The person knowingly commits the animal abuse in the immediate presence of a minor child. For purposes of this paragraph, a minor child is in the immediate presence of animal abuse if the abuse is seen, or directly perceived in any other manner by the minor child.

**What it Means: Section 167.320** (4,a, A) refers to Assault in the fourth degree, Assault in the third degree, Assault in the second degree and Assault in the first degree. This would be Assault against a person. Domestic violence is defined in ORS 135.230 (3) as abuse between family or household members. The (B) section reference to 167.322 is related to Aggravated Animal Abuse. For purposes of section 4(b) a minor is anyone under the age of 18 years.

### **Aggravated Animal Abuse in the First Degree ORS 167.322):**

(1) A person commits the crime of aggravated animal abuse in the first degree if the person:

- (a) Maliciously kills an animal; or
- (b) Intentionally or knowingly tortures an animal.

(2) Aggravated animal abuse in the first degree is a Class C felony.

(3) As used in this section:

(a) "Maliciously" means intentionally acting with a depravity of mind and reckless and wanton disregard of life.

(b) "Torture" means an action taken for the primary purpose of inflicting pain.

### **Possible Penalties for Animal Neglect or Abuse:**

- Heavy monetary fines
- Jail Time

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- You may be prohibited from owning any animal for 5 years for a misdemeanor conviction or up to 15 years for a felony conviction
- Forfeiture of the animal(s)
- Ordered to pay restitution for vet care, board, and other care while waiting for the trial to be held

- [Police](#)

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